

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1720

Introduced by Senator Chesbro

February 24, 2006

An act to add Section 399 to the Military and Veterans Code, relating to uranium screening.

LEGISLATIVE COUNSEL'S DIGEST

SB 1720, as amended, Chesbro. Armed Forces: uranium screening.

Existing law provides for certain rights and privileges for active members of the Armed Force, reservists, and veterans of the Armed Forces, including members of the California National Guard.

This bill would ~~provide that~~ *require the Adjutant General and the Secretary of the California Department of Veterans Affairs, or their designees, to assist an eligible member, as defined, or veteran who has returned in obtaining a best practice health screening for exposure to depleted uranium, as described. A member or veteran would be eligible to receive the assistance when he or she returns to this state after service in a combat zone and who specified combat zones if he or she has been assigned a risk level I or H, II, or III for depleted uranium exposure, or any other member, as defined, has been referred by a military physician, or who has reason to believe that he or she was exposed to depleted uranium during their service, shall have the right to a best practice health screening for exposure to depleted uranium.* This bill would *require the Adjutant General and the Secretary of the California Department of Veterans Affairs, or their designees, to develop a plan for outreach to eligible members and veterans, as described, regarding depleted uranium.*

This bill would additionally require the Adjutant General *or his or her designees* to submit ~~a~~ *an annual* report to the policy committees dealing with veterans affairs in the Senate and the Assembly on the scope and adequacy of *pre and postdeployment* military training ~~regarding detection on determining whether he or she had exposure to depleted uranium and the feasibility and cost of adding exposure training, as provided.~~ *This bill also makes findings regarding the health risks of exposure to depleted uranium and the purpose of the bill to assist California's veterans in obtaining federal treatment services to detect exposure to depleted uranium.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known and may be cited as the*
2 *Veterans Health and Safety Act of 2006.*

3 *SEC. 2. The Legislature finds and declares all of the*
4 *following:*

5 *(a) Depleted uranium is a chemically toxic, radioactive heavy*
6 *metal that is created as waste during nuclear fuel and weapons*
7 *production.*

8 *(b) Depleted uranium, which has a radioactive half-life of four*
9 *and one-half billion years, emits radioactive particles that may*
10 *cause kidney and lung damage, may cause cancer when inhaled*
11 *or ingested, and may cause genetic mutations that are carried to*
12 *future generations.*

13 *(c) Depleted uranium munitions and armor have been used*
14 *extensively by the United States Armed Forces since the 1991*
15 *Gulf War. Veterans living in California who served in combat*
16 *theaters in the first Gulf War, and veterans who served after the*
17 *first Gulf War, may have been exposed to depleted uranium in*
18 *unknown doses with unknown consequences to their health.*

19 *(d) The purpose of this act is to safeguard the health of*
20 *California's veterans by assisting them in obtaining federal*
21 *treatment services, including best practice health screening tests*
22 *capable of detecting low levels of depleted uranium.*

23 ~~SECTION 1.~~

24 *SEC. 3. Section 399 is added to the Military and Veterans*
25 *Code, to read:*

1 399. (a) (1) ~~On and after _____, The Adjutant General and~~
2 *the Secretary of the California Department of Veterans Affairs,*
3 *or their designees, shall assist any eligible member or veteran*
4 *who returns or has returned to this state after service in an area*
5 *designated as a combat zone by the President of the United States*
6 *and who has been assigned a risk level I or II for depleted*
7 *uranium exposure by his or her branch or service, or any other*
8 *member or veteran who has reason to believe that he or she was*
9 *exposed to depleted uranium during his or her service, shall have*
10 *the right to a best practice health screening test for exposure to*
11 *depleted uranium. in obtaining a best practice health screening*
12 *test for exposure to depleted uranium. The screening should*
13 *consist of a bioassay procedure capable of detecting depleted*
14 *uranium at low levels and discriminating between different*
15 *uranium isotopes. State funds shall not be used to pay for the*
16 *tests or any other federal treatment services.*

17 (2) *The eligible member or veteran must return or have*
18 *returned to this state after service in an area where depleted*
19 *uranium was used or that was designated as a combat zone by*
20 *the President of the United States after 1990. The eligible*
21 *member or veteran shall either be assigned a risk level I, II, or*
22 *III for depleted uranium exposure by his or her branch of*
23 *service, be referred by a military physician, or have reason to*
24 *believe that he or she was exposed to depleted uranium during*
25 *his or her service.*

26 (b) (1) *In order to effectively provide the assistance required*
27 *by subdivision (a), the Adjutant General and the Secretary of the*
28 *California Department of Veterans Affairs, or their designees,*
29 *shall develop and implement a plan for outreach to eligible*
30 *members and veterans who have returned from combat areas*
31 *where depleted uranium was used.*

32 (2) *The outreach plan shall provide information to eligible*
33 *members and veterans concerning their potential exposure to*
34 *depleted uranium, the possible hazards associated with exposure,*
35 *and the right to federal depleted uranium screening services.*

36 ~~(b) On or before _____, the Adjutant General shall submit a~~

37 (c) *The Adjutant General and the Secretary of the California*
38 *Department of Veterans Affairs, or their designees, shall submit*
39 *an annual report to the policy committees dealing with veterans*
40 *affairs in the Senate and the Assembly on the scope and*

1 adequacy of *pre and postdeployment* training, *as required to be*
2 *conducted by the United States Army, Air Force, Navy, and*
3 *Marine Corps under existing military regulations*, received by
4 members of the Armed Forces ~~on detecting so that these soldiers~~
5 *may determine* whether their service as eligible members is likely
6 to entail, or to have entailed, exposure to depleted uranium. ~~The~~
7 ~~report shall include an assessment of the feasibility and cost of~~
8 ~~adding predeployment training concerning potential exposure to~~
9 ~~depleted uranium and other toxic chemical substances and the~~
10 ~~precautions recommended under combat and noncombat~~
11 ~~conditions while in a combat zone.~~

12 (e)

13 (d) For purposes of this section, all of the following apply:

14 (1) “Eligible member” means a member who served in the
15 Persian Gulf War, as defined in Section 101 of Title 38 of the
16 United States Code, ~~or~~ in an area designated as a combat zone by
17 the President of United States during Operation Enduring
18 Freedom or Operation Iraqi Freedom, *or in any other combat*
19 *theater where depleted uranium was used.*

20 (2) “Member” or “member of the Armed Forces” means a
21 member of the Armed Forces of the United States, including the
22 California National Guard, who is a resident of this state.

23 (3) “*Military physician*” means a provider who is under
24 contract with the United States Department of Defense to provide
25 physician services to members of the Armed Forces.